

## BONDS REQUIRED OF VICE-CONSULS-GENERAL.

JUNE 14, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CONNOLLY, from the Committee on the Judiciary, submitted the following

### REPORT.

[To accompany H. R. 8925.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States, submit the following report:

The effect of this bill is to amend section 1698 of the Revised Statute so that bonds shall be required from vice-consuls-general as well a vice-consuls, as now provided. It also requires that the sureties on such bonds shall be permanent residents of the United States, the law now having no such provision.

No good reason is known why vice-consuls-general should not be required to give bonds as well as to require them from vice-consuls.

Such officials frequently, by virtue of their official position, come into possession of money or property belonging to citizens of the United States, as well as money belonging to the United States, and unless the sureties on such bonds are residents of the United States the bonds will practically amount to nothing as a security, either to the United States or to citizens of the United States. Hence by the amendment proposed by this bill to said section the sureties are required hereafter to be residents of the United States, so that they may be within the jurisdiction of our courts in case of default on the bonds.

But to enable the citizen to avail himself of the security of such a bond it is necessary to authorize the citizen to maintain a suit in his own behalf on such bond for any damage done him by a vice-consul-general or a vice-consul in violation of his official duty, thus placing these bonds on the same plane as the bonds of United States marshals. To accomplish this we propose to amend this bill as hereinafter specified.

This bill also in its second section amends section 1734 of the Revised Statutes so that a failure of any consular officer to account for and pay over any money or property belonging to a citizen of the United States shall be deemed guilty of embezzlement and punished accordingly. As this section now stands in the Revised Statutes it provides for the punishment of consular officers who fail to account for and pay

over money belonging to the United States, and the second section of this bill simply extends this punishment to the embezzlement of money or property of citizens of the United States.

Your committee therefore recommend the passage of the bill, with, however, the following amendments, viz:

On page 1 strike out lines 5, 6, 7, and 8 to the word "read," in line 8, and insert the word "to" before the word "read" in said line 8.

Amend section 2 on page 2 by striking out all after the word "amended," in line 3, to the word "read," in line 14, and insert the word "to" before the the word "read" in said line 14 on page 2.

On page 2, line 18, after the word "Treasury," insert:

In case of a breach of any such bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant, and the United States shall in no case be liable for the same.

Said bonds shall remain after any judgment rendered thereon as a security for the benefit of any person injured by a breach of the condition of the same, until the whole penalty has been recovered, and the proceedings shall always be as directed in this section.